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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CORBIS CORPORATION, a Washington
corporation,

Plaintiff,

v.

SHELL LAKE STATE BANK, a Wisconsin
corporation,

Defendant.

CV05 • 1435

**COMPLAINT FOR
DAMAGES AND
INJUNCTIVE RELIEF**



05-CV-01435-CMP

COMES NOW plaintiff Corbis Corporation, by and through its attorneys Dan J. Donlan and Lane Powell PC, and alleges as follows:

PARTIES

1. Plaintiff Corbis Corporation ("Corbis") is a Washington corporation with its principal place of business at 710 Second Avenue, Suite 200, Seattle, King County, Washington.

2. Upon information and belief, defendant Shell Lake State Bank is a Wisconsin banking institution with its principal place of business at 102 Fifth Avenue, Shell Lake, Wisconsin.

COMPLAINT FOR DAMAGES
AND INJUNCTIVE RELIEF - 1
Case No.
118232.0063/1225470.1

ORIGINAL

LANE POWELL PC
1420 FIFTH AVENUE, SUITE 4100
SEATTLE, WASHINGTON 98101-2338
(206) 223-7000

JURISDICTION AND VENUE

3. This is a civil action seeking damages and injunctive relief for copyright infringement, and DMCA violations.

4. Jurisdiction by the Court over this action is proper pursuant to 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1338 (copyright) in that this case involves claims brought under federal copyright law, 17 U.S.C. § 101 *et seq.* Additionally, this Court has diversity jurisdiction over the matter pursuant to 28 U.S.C. § 1332, in that the matter in controversy exceeds \$75,000 exclusive of interests and costs, and is between citizens of different states.

5. Venue in the Federal District Court for the Western District of Washington is proper pursuant to 28 U.S.C. §§ 1391(b)(2) and (3).

BACKGROUND

6. Plaintiff Corbis is in the business of licensing photographs and fine art images on behalf of itself and the photographers it represents. Generally, the images in Corbis' collection were taken by professional photographers who earn most or all of their livelihoods from the licensing fees Corbis is able to obtain for their images. Many of the images in Corbis' collection are produced by well-known photographers, and include some of the most recognized images in contemporary society.

7. The images in Corbis' collection are the subject of copyright protection under the laws of the United States, and at considerable expense and effort, Corbis has protected images in its collection by systematically registering the copyrights to the images.

8. Corbis owns and operates a website located at the Internet address www.corbis.com. At Corbis' website, professional and consumer users are able to search hundreds of thousands of images from Corbis' collection and then pay to license the images for personal or commercial use. Visitors to the www.corbis.com site interact with and obtain

1 Corbis images from servers that are located in Seattle, Washington. The www.corbis.com
2 site also prominently displays that Corbis' headquarters are in Seattle, Washington.

3 9. Defendant Shell Lake State Bank is a financial institution organized under the
4 laws of the State of Wisconsin. At all times relevant hereto, Shell Lake State Bank owned
5 and operated a website located at the Internet address www.shelllakestatebank.com.

6 10. Upon information and belief, on an as yet unknown date, a Shell Lake State
7 Bank employee visited Corbis' website, and without authorization, downloaded or copied
8 several Corbis images that had previously been registered with the United States Copyright
9 Office. Then Shell Lake State Bank uploaded these same images to its
10 www.shelllakestatebank.com website for display on its website.

11 11. Attached hereto as Exhibit A are true and correct copies of screen shots taken
12 from the www.shelllakestatebank.com website depicting certain infringing images displayed
13 on that website.

14 12. At all relevant times hereto, defendant Shell Lake State Bank displayed these
15 Corbis' copyrighted images on its website without license or other authorization.

16 13. Attached hereto as Exhibit B is a spreadsheet identifying the United States
17 Copyright Office registration certificate numbers for the images displayed on Exhibit A,
18 which evidences that Corbis owns or controls the registered copyrights to the images that
19 were displayed on the www.shelllakestatebank.com website.

20 14. The defendants' unauthorized use of copyright protected images has caused
21 Corbis to suffer damages in Washington.

22 **FIRST CAUSE OF ACTION - COPYRIGHT INFRINGEMENT**

23 15. Plaintiff Corbis incorporates paragraphs 1 through 14 above, as though fully
24 set forth herein.

1 16. Corbis holds valid and exclusive registered copyrights to the images that are
2 the subject of this action and that are evidenced by the copyright registration certificates
3 referenced by Exhibit B.

4 17. Defendant reproduced, distributed and displayed those images without Corbis'
5 authorization.

6 18. The actions and conduct by Defendant as described above infringe upon
7 Corbis' exclusive rights granted under 17 U.S.C. § 106 to display, reproduce and distribute
8 the registered copyrighted works to the public.

9 19. Such actions and conduct constitute copyright infringement under the
10 Copyright Act of 1976, 17 U.S.C. § 501.

11 20. As a result of the copyright infringement described above, plaintiff Corbis is
12 entitled to relief including, but not limited to, injunctive relief, actual or statutory damages,
13 statutory costs and attorneys' fees, and prejudgment interest.

14 **SECOND CAUSE OF ACTION – DMCA CLAIM**

15 21. Plaintiffs incorporate paragraphs 1 through 20 above as fully set forth herein.

16 22. All of the images that are the subject of this lawsuit were displayed on the
17 www.corbis.com website with corresponding copyright management information (CMI).
18 Upon information and belief, when defendant Shell Lake State Bank duplicated and displayed
19 the subject images on its www.shellakestatebank.com website it removed the CMI from the
20 Corbis images.

21 23. Such action, as described above, constitutes a violation of the Digital
22 Millenium Copyright Act, 17 U.S.C. § 1202(b).

23 24. As a result of the conduct described above, plaintiff is entitled to relief
24 including, but not limited to, injunctive relief, actual or statutory damages, statutory costs and
25 attorneys' fees, and prejudgment interest.

PRAYER FOR RELIEF

WHEREFORE, plaintiff Corbis prays for the following relief:

1. On the First Cause of Action, for an award of defendant's profits and for damages in such amount as may be found, or for statutory damages of not less than \$750 or more than \$30,000 per image pursuant to 17 U.S.C. § 504(c)(1). Alternatively, for an award of up to \$150,000 upon a finding of willful infringement pursuant to 17 U.S.C. § 504(c)(2). And for an order permanently enjoining defendant from infringing plaintiff's copyrighted images pursuant to 17 U.S.C. § 502 and for an award of costs and attorneys fees pursuant to 17 U.S.C. § 505;

2. On the Second Cause of Action, for an award of damages in such amount as may be found, or alternatively statutory damages of up to \$25,000 pursuant to 17 U.S.C. §§ 1202 and 1203; and for an order permanently enjoining defendant from displaying Corbis' copyrighted images pursuant to 17 U.S.C. §§ 1203(b);

3. For prejudgment interest on the amount of the award to plaintiff; and

4. And for such other and further relief as the Court deems just and proper.

DATED: August 17, 2005.

LANE POWELL PC

By 

Dan J. Donlan, WSBA No. 25374
Attorneys for Plaintiff
Corbis Corporation

EXHIBIT A



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Internet Banking

Shell Lake State Bank

Internet Banking

Now you can experience technology at it's finest with Shell Lake State Bank's Internet Banking. Check your account balances, view statements, transfer funds between accounts, pay loans, learn if a check has cleared, download statement files to popular financial software such as Microsoft® Money, Quicken®, or other comparable software, and much more! Now you have total control of your accounts.

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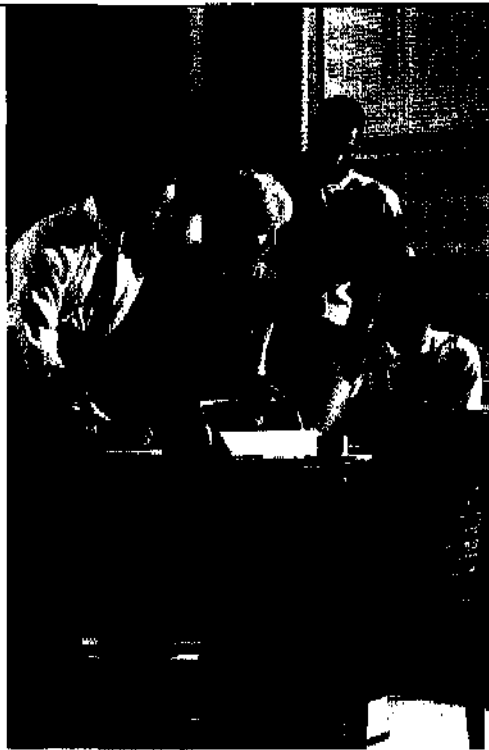
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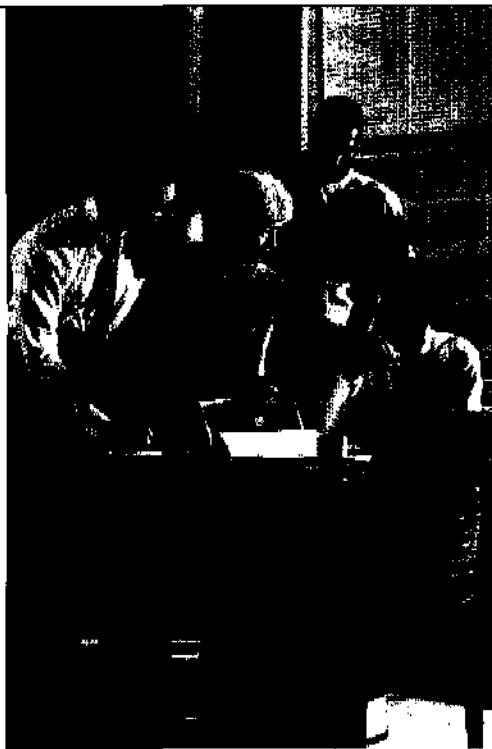


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About Us

Since 1934 the Shell Lake State Bank has been providing financial services to the residents and visitors of Northwest Wisconsin. Complete banking services are available at the Main Office in Shell Lake as well as the branch in Spooner. Limited banking services are available at the Sarena Branch three mornings per week.

In 1990, Shell Lake State Bank purchased Spooner Insurance Services and is presently located in the Spooner branch. As an independent insurance agent, we can help you find the coverage that best suits your particular needs. They represent several financially-sound

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EXHIBIT B

Company Name	Matter ID
Shell Lake State Bank	14-0619

Corbis ID	Certificate Number	Copyright Date
72659	VA 1-115-519	3/16/2001
6629	VA 1-115-519	3/16/2001
60954	VA 1-115-519	3/16/2001
55577	VA 1-115-519	3/16/2001
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